

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

RON WESLEY HAYES

PLAINTIFF

v.

Case No. 4:19-cv-4054

CORPORAL HENDERSON, *et al.*

DEFENDANTS

ORDER

Before the Court is a Report and Recommendation prepared by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. ECF No. 61. Judge Bryant recommends that Plaintiff's Motion to Reopen Case (ECF No. 59) be denied. Plaintiff has filed objections. ECF No. 62. The Court finds the matter ripe for consideration.

On May 13, 2020, the Court dismissed Plaintiff's Amended Complaint (ECF No. 6) in this matter without prejudice pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 5.5(c)(2) for failure to prosecute his case. ECF No. 57. On January 25, 2021, Plaintiff filed a motion seeking to having his original case reopened and his claims against Defendants proceed. ECF No. 59.

On March 3, 2021, Judge Bryant issued his recommendation that Plaintiff's motion to reopen his case be denied. ECF No. 61. Judge Bryant finds that Plaintiff has not put forth any argument undermining the Court's previous determination that he failed to prosecute his case. *Id.* at p. 2-3. He notes that the Court never received a change of address from Plaintiff to facilitate communication and that eight months passed between dismissal and Plaintiff's motion to reopen this case. *Id.* at p. 3. Judge Bryant concludes that Plaintiff has not proffered a compelling reason to reopen the case and that the appropriate manner for Plaintiff to litigate his claims is to file a new complaint. *Id.* at 3-4. Plaintiff's objections do not address the shortcomings highlighted by Judge

Bryant. ECF No. 62. Plaintiff simply rehashes the basis of the claims in his Complaint and his desire to hold Defendants accountable for their alleged violations of his rights. ECF No. 62.

The Court finds that Judge Bryant's conclusion is sound. The Court appropriately dismissed Plaintiff's case for failure to prosecute. ECF No. 57. None of the arguments presented by Plaintiff in his objections are relevant to the reasons why his case was previously dismissed by the Court. Accordingly, the Court finds no reason to reopen Plaintiff's case.

Based on its *de novo* review, the Court overrules Plaintiff's objections and adopts Judge Bryant's Report and Recommendation (ECF No. 61) *in toto*. Plaintiff's Motion to Reopen Case (ECF No. 59) is hereby **DENIED**. Plaintiff must file a new complaint if he wishes to litigate these claims.

IT IS SO ORDERED, this 28th day of May, 2021.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge